

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE,
NO. 03-78, DENNIS MALONEY

CASE NO. SC04-22

FINDINGS AND RECOMMENDATION OF DISCIPLINE

On or about August 5, 2003, based on information provided to the Judicial Qualifications Commission ("Commission") relating to Respondent, Judge Dennis P. Maloney, a Notice of Investigation was served upon Judge Maloney. Thereafter, on or about January 15, 2004, the Commission filed its Notice of Formal Charges against Respondent.

The Commission has entered into a Stipulation with Respondent in which he has admitted, *inter alia*, that his conduct, albeit well-intentioned, was inappropriate and resulted in the appearance of impropriety. Respondent has also admitted that his conduct is unbecoming a member of the judiciary and impairs the confidence of the citizens of this state in him as a judge and in the integrity of the judicial system.

The Commission, therefore, finds the facts to be as set forth in the Stipulation. The Commission has considered in mitigation the fact that Respondent, a judge for more than twenty-seven 27 years, has never been the subject of an inquiry before the Commission and is generally regarded as a fair, impartial, and competent jurist. The Commission has also considered Respondent's candor before the Investigative Panel and that he has testified under oath he was unaware that his conduct in

ordering law enforcement officials to release a DUI suspect (whom he personally knew) from custody constituted a violation of state law under the circumstances.

In light of the above, the Commission finds that the interests of justice and the public welfare will be adequately served by Respondent being subjected to a **Public Reprimand** before the Supreme Court of Florida, which the Commission hereby recommends to this Court.

Respectfully submitted.

DATED this _____ day of November, 2004.

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